

Appln No. 10/705,412  
Amdt date November 29, 2006  
Reply to Office action of August 29, 2006

### REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner for the telephonic interview on October 31, 2006. As per our discussion, Applicant respectfully asserts that the cited prior art, the Fujii and Warwick et al. patents, fail to anticipate, teach, or suggest the present invention. Fujii requires the use of a separate pump to move the air. This is contrary to the use of the motor in the present invention to move the plates which in turn move the bellows, which in turn move the air, without the need for a separate pump.

In Warwick et al., each bellows is not connected to an inflatable bladder, and Warwick et al. may even teach away from a two bladder/bellows system because air in the vest bladder is vented to atmosphere. The Examiner asserts that Warwick et al. doesn't need to teach that the parts are directly connected together. Applicant respectfully disagrees with this assertion because claim 6 of the present invention requires that a bellows/bladder should be directly connected to a corresponding bellows/bladder. Therefore, Warwick et al. does not anticipate, teach or suggest the present invention. A more detailed discussion follows below.

#### First § 102 Rejection

Claims 1-2 and 4 have been rejected under 35 USC § 102(b) as allegedly being anticipated by Fujii (US 5,741,218). Applicant respectfully traverses the Examiner's rejection for at least the reasons that follow. In Fujii, the air cells are connected to a separate air control unit which comprises an air pump, a motor, a lot of electromagnetic valves, and an air supply and exhaust circuit. (Col. 3, lines 7-15). Each of the six air cells is operated individually or simultaneously by a microcomputer. (col 3, lines 15-20). The main motor (not the air motor) and shaft 6, as shown in Fig. 2, do not cause the swing plate 11 to compress and extend the bellows.

Claim 1 of the present invention requires that each bellows is connected to the plate and that because of the oscillations of the plate, at least one bellows is retracted and at least one bellows is extended. Thus, because Fujii does not teach all of the elements of the present claim

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1, Fujii does not anticipate the present invention. Additionally, because claims 2 and 4 are dependent claims of claim 1, they also are not anticipated by Fujii because all of the elements of independent claim 1 are not present in Fujii. Applicant respectfully requests withdrawal of the rejection under § 102(b).

### **Second § 102 Rejection**

Claims 6 and 8 have been rejected under 35 USC § 102(b) as allegedly being anticipated by Warwick et al. (US 5,056,505). Applicant respectfully traverses the Examiner's rejection for at least the reasons that follow. In Warwick et al., as shown in Fig. 3, each bellows 88, 90 is not attached to an inflatable bladder 16. Only bellows 88 is connected to bladder 16.

Claim 6 of the present invention requires that there is at least one inflatable bladder connected to each bellows, and that air is moved back and forth between the inflatable bladder and the bellows. Thus, because Warwick et al. does not teach all of the elements of the present claim 6, Warwick et al. does not anticipate the present invention. Additionally, because claim 8 is dependent on claim 6, it is not anticipated by Warwick et al. because all of the elements of independent claim 6 are not present in Warwick et al. Applicant respectfully requests withdrawal of the rejection under § 102(b).

### **First § 103 Rejection**

Claim 7 has been rejected under 35 USC § 103(a) as allegedly being unpatentable over Warwick et al.. Applicant respectfully traverses the Examiner's rejection for at least the reasons that follow. In Warwick et al., as shown in Fig. 3, each bellows 88, 90 is not attached to an inflatable bladder 16. Only bellows 88 is connected to bladder 16. There is no motivation in Warwick to add an inflatable bladder 16 to the second bellows 90. The secondary bellows 90 is used to regulate vest bladder contact pressure. During inspiration, air in the vest bladder is vented to atmosphere, and after inspiration a rapid reinstatement of pressure is used for chest compression before the next breathing cycle. (Col. 11, lines 10-19). Thus, Warwick et al. even teaches away from using a two bladder/bellows system where air flows into and out of it each

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bellows into the corresponding bladder. Claim 7 of the present invention, because it dependent on claim 6, requires that there is at least one inflatable bladder connected to each bellows, and that air is moved back and forth between the inflatable bladder and the bellows. Thus, because Warwick et al. does not teach or suggest all of the elements of the present claim 7, and may teach away from the elements in claim 7, it would not have been obvious to create the present invention from Warwick et al. Applicant respectfully requests withdrawal of the rejection under § 103(a).

**Second § 103 Rejection**

Claims 6-10, 12, 14-21, add 23 have has been rejected under 35 USC § 103(a) as allegedly being unpatentable over Fujii in view of Warwick et al., along with Hester et al. (US 6,916,300). Applicant respectfully traverses the Examiner's rejection for at least the reasons that follow. As discussed above, In Fujii, the air cells are connected to a separate air control unit which comprises an air pump, a motor , a lot of electromagnetic valves, and an air supply and exhaust circuit. (col. 3, lines 7-15). Each of the six air cells is operated individually or simultaneously by a microcomputer. (col. 3, lines 15-20). The main motor (not the air motor) and shaft 6, as shown in Fig. 2, do not cause the swing plate 11 to compress and extend the bellows. The bladders and bellows do not perform the same function. In Hester et al. the bladders inflate when air is delivered into them and can be collapsed when air is permitted to flow out of them. (col. 7, lines 40-42). They are not extended or retraced by operation of a motor that is also attached to the chair. Additionally, the bellows are not inflated or deflated by a bellows. A bellows actually pulls air into itself when extended and forces air out when retracted. Thus, there is no motivation to combine the bellows of Fujii with the bladders of Warwick et al. because they do not perform the same function in a massaging device like that claimed in the present invention. Applicant respectfully requests withdrawal of the rejection under § 103(a).

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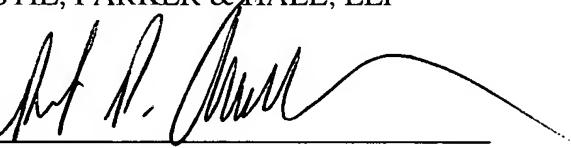
**Conclusions**

In view of the above, Applicant respectfully submits that claims 1-24 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Respectfully submitted,

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